IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE**

**and**
**THE HON'BLE MR JUSTICE M.NARAYANA REDDY**

**WRIT APPEAL NO : 1929 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/01/2004 in WP NO : 27356 OF 2003 on the file of the High Court.)

Between:

1 Smt. Goluguri Seshayamma, W/o Late Sri Krishna Murthy, Hindu,
2 Goluguri Venkata Ramakrishna Reddy, S/o Satyanarayana Reddy,

Hindu, R/o Machavaram (V), Rayavaram Mandal, East Godavari District.

**..... APPELLANTS**

AND

1 The Commissioner of Endowments, Government of Andhra Pradesh, Tilak Road, Hyderabad.
2 The Regional Joint Commissioner, Endowments Department, Kakinada, East Godavari District.
3 The Assistant Commissioner, Endowments Department,

Danavayapeta, Rajahmundry, East Godavari District.
4 Sri Venugopalaswamy Temple, Rep. by its Person-in-Management, Pulagurtha (V), Anaparthi (Mandal), East Godavari District.

**.....RESPONDENTS**

**Counsel for the Appellant: MR. K.GANI REDDY**

**Counsel for the Respondent Nos 1 to 3.: GP FOR ENDOWMENTS**

**Counsel for the Respondent No.4: Smt.N.Indrani**

**The Court made the following :**

ORAL ORDER: (per the Hon'ble the Chief Justice)

Challenge is to the order passed by learned single Judge dismissing appellants' writ petition. Appellants claimed that they were in occupation of the property and that auction has been conducted without any notice to them and without displacing them. As a matter of fact, petitioners-appellants had earlier filed W.P.No.9528 of 2003, which was disposed of and pursuant thereto, the petitioners/appellants preferred claim before the Assistant Commissioner of Endowments who, in M.A.No.56 of 2003, rejected their claim by order dated 9th July, 2003. Appeal preferred to the Regional Joint Commissioner, Multi Zone I was also dismissed. As a matter of fact, petitioners-appellants are not the original tenants and as per the stand of the respondent No.4, notice under Rule 5 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Land Rules, 2003 was issued to the appellants and the land had already been resumed on 12th July, 2003 before conduct of auction. Auction was conducted on 23-7-2003.

In this view of the matter, there is no force in the appeal more particularly when in similar situation W.P.No.1302 of 2003 has been dismissed by a Division Bench of this Court with the observation that it is the status of the actual lessee which is required to be taken into consideration, who alone is to be termed as cultivating tenant and not all persons who might be cultivating the land by private negotiations.

Appeal dismissed.

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DEVINDER GUPTA, CJ

10-12-2004

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M.NARAYANA REDDY, J

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To

1 The Commissioner of Endowments, Government of Andhra Pradesh, Tilak Road, Hyderabad.
2 The Regional Joint Commissioner, Endowments Department, Kakinada, East Godavari District.
3 The Assistant Commissioner, Endowments Department,

Danavayapeta, Rajahmundry, East Godavari District.
4 The Person-in Management, Sri Venugopalaswamy Temple, Pulagurtha (V), Anaparthi (Mandal), East Godavari District.

5 2 CCs to the Govt. Pleader for Endowments, High Court Buildings,

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